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OPEN MEETING AGENDA ITEM

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

Arizona Corporation Commission

DOCKETED

DEC 17 2013

DOCKETED BY

In the Matter of:

TRI-CORE COMPANIES, LLC, an
Arizona limited liability company,

TRI-CORE MEXICO LAND
DEVELOPMENT, LLC, an Arizona
limited liability company,

TRI-CORE BUSINESS DEVELOPMENT,
LLC, an Arizona limited liability company,

ERC COMPACTORS, LLC, an Arizona
limited liability company,

ERC INVESTMENTS, LLC, an Arizona
limited liability company,

C&D CONSTRUCTION SERVICES,
INC., a Nevada corporation,

PANGAEA INVESTMENT GROUP,
LLC, an Arizona limited liability company,
d/b/a Arizona Investment Center,

JASON TODD MOGLER, an Arizona
resident,

BRIAN N. BUCKLEY and CHERYL
BARRETT BUCKLEY, husband and wife,

CASIMER POLANCHEK, an Arizona
resident,

NICOLE KORDOSKY, an Arizona
resident,

Respondents.

Docket No. S-20867A-12-0459

**APPLICATION FOR ISSUANCE OF
A SUBPOENA FOR DOCUMENTS
TO ARIZONA CORPORATION
SECURITIES DIVISION**

(Assigned to Administrative Law Judge
Marc E. Stern)

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2 Respondents, TRI-CORE COMPANIES, LLC, TRI-CORE BUSINESS
3 DEVELOPMENT, LLC, and JASON TODD MOGLER, through undersigned counsel,
4 respectfully request that the Commission issue a Subpoena for documents to the Securities
5 Division of the Arizona Corporation Commission in the form attached hereto as Exhibit 1
6 and incorporated herein by this reference.

7 Respondents request an unredacted copy of the investigative file maintained by the
8 Securities Division in the above referenced matter in order to adequately prepare their
9 defenses to the Notice of Opportunity filed by the Securities Division of the Arizona
10 Corporation Commission. For reasons stated on the record at the hearings on October 22,
11 2013, and December 12, 2013, Respondents seek to review the file with respect to the
12 investigation of the allegations made in the Notice of Opportunity filed on November 8,
13 2012. As was obvious in the hearing, without the Division's file, it is impossible to
14 adequately prepare for the cross examination of the Division's witnesses and the multitude
15 of unsupported hearsay testimony sought to be admitted during the hearing. Finally, the
16 entire file is necessary in order to adequately examine the Division's witnesses including its
17 investigator and without the file prejudice would result to Respondents.

18 Dated this 17th day of December, 2013.

19
20 **THRASHER JEMSEK, PLLC**

21
22 By 

23 Bobby O. Thrasher, Jr.
24 530 East McDowell Road, Unit No. 107-495
25 Phoenix, Arizona 85004
26 *Attorney for Respondents*
27
28

1 ORIGINAL AND 13 COPIES of the foregoing filed December 17th, 2013, with:

2 Docket Control
3 Arizona Corporation Commission
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 COPIES of the foregoing mailed December 17th, 2013, to:

7 Honorable Marc E. Stern
8 Administrative Law Judge
9 Arizona Corporation Commission / Hearing Division
10 1200 West Washington Street
11 Phoenix, Arizona 85007

12 Stacey L. Luedtke
13 Staff Attorney
14 Arizona Corporation Commission
15 Securities Division
16 1300 W. Washington, 3rd Floor
17 Phoenix, Arizona 85007

18 Dale B. Rycraft, Jr., Esq.
19 The Rycraft Law Firm, PLLC
20 2929 North Power Road, Suite 101
21 Mesa, Arizona 85215
22 *Attorney for C&D Construction*

23 Nicole Kordosky
24 1075 North Miller Road, #149
25 Scottsdale, Arizona 85257
26 *Respondent*

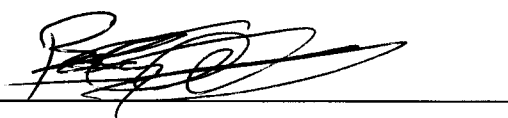
27
28


EXHIBIT 1

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 **GARY PIERCE, Chairman**
4 **BOB STUMP**
5 **SANDRA D. KENNEDY**
6 **PAUL NEWMAN**
7 **BRENDA BURNS**

8 In the Matter of:

9 TRI-CORE COMPANIES, LLC, an Arizona
10 limited liability company,

11 TRI-CORE MEXICO LAND
12 DEVELOPMENT, LLC, an Arizona limited
13 liability company,

14 TRI-CORE BUSINESS DEVELOPMENT,
15 LLC, an Arizona limited liability company,

16 ERC COMPACTORS, LLC, an Arizona
17 limited liability company,

18 ERC INVESTMENTS, LLC, an Arizona
19 limited liability company,

20 C&D CONSTRUCTION SERVICES, INC.,
21 a Nevada corporation,

22 PANGAEA INVESTMENT GROUP, LLC,
23 an Arizona limited liability company, d/b/a
24 Arizona Investment Center,

25 JASON TODD MOGLER, an Arizona
26 resident,

27 BRIAN N. BUCKLEY and CHERYL
28 BARRETT BUCKLEY, husband and wife,

CASIMER POLANCHEK, an Arizona
resident,

NICOLE KORDOSKY, an Arizona resident,

Respondents.

Docket No. S-20867A-12-0459

SUBPOENA

(Assigned to Administrative Law Judge Marc
E. Stern)

TO: Securities Division
Arizona Corporation Commission
1300 West Washington Street, Third Floor
Phoenix, Arizona 85007

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin A. Bernal, Executive Assistant to the Executive Director, voice phone number 602-542-3931, e-mail sabernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

1 YOU ARE HEREBY COMMANDED, pursuant to A.R.S. § 41-1062 and A.A.C.
2 R14-3-109, to produce the documents listed in Exhibit "A," attached hereto and incorporated
3 herein by this reference, within two (2) weeks after issuance and service of this Subpoena, by
4 serving via first class mail, postage pre-paid, to Bobby O. Thrasher, Jr., Thrasher Jemsek
5 PLLC, 530 East McDowell Road, Unit No 107-495, Phoenix, Arizona 85004, who is the
6 attorney for Respondents, TRI-CORE COMPANIES, LLC, TRI-CORE BUSINESS
7 DEVELOPMENT, LLC, and JASON TODD MOGLER.

8 DISOBEDIENCE OF THIS SUBPOENA constitutes contempt of the Arizona
9 Corporation Commission and may subject you to further proceedings and penalties under
10 law, pursuant to A.R.S. § 44-1825.

11 Given under by hand the seal of the Arizona Corporation Commission this _____
12 day of _____, 20____.

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16 _____
17 MARC E. STERN
18 ADMINISTRATIVE LAW JUDGE
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28 Persons with a disability may request a reasonable accommodation such as a sign language
interpreter, as well as request this document in an alternative format, by contacting Shaylin A. Bernal,
Executive Assistant to the Executive Director, voice phone number 602-542-3931, e-mail
sabernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the
accommodation.

1
2 **Exhibit A**

3 Any and all documents* you have comprising your investigation of all Respondents
4 named in Docket No. S-20867A-12-0459 (the "Respondents") including, but not limited to:
5 (a) books, records, receipts, and documents of any nature provided to you by any Respondent,
6 or their agent, or any person you contacted or was contacted by while conducting your
7 investigation of the Respondents; (b) analyses, reports, correspondence, including e-mail,
8 memoranda, or notes you wrote or received during your investigation, including drafts; and
9 (c) documents reflecting any and all communication you had with any Respondent, or their
10 agent, or person you contacted or was contacted by while conducting your investigation of
11 the Respondents.

12 This request for documents excludes documentary evidence listed under Exhibit A to
13 the *Securities Division's List of Witnesses and Documentary Evidence* dated August 26, 2013.

14 *Please provide all documents in native form (i.e. hard copy or electronic depending on the
15 format in which you maintain them) and if a document is maintained in multiple formats,
16 produce the electronic version).
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